Status of Claims

1. Claims 135-150 are allowable.

Formal Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with Attorney Paul Hunter on November 30th, 2009.
3. Claim 135 – Limitation 1, should be "an ~~almost~~ orthogonal code sequence generator ~~that generates~~ *generating* a subset of ~~almost~~ orthogonal code sequences, said subset of ~~almost~~ orthogonal code sequences being selected from a plurality of subsets of a set of ~~almost~~ orthogonal code sequences associated with the transmitting apparatus".
4. Claim 135 – Limitation 2, should be "a transmitter ~~for~~ simultaneously transmitting first signals to a first node during a first time interval and simultaneously transmitting second signals to said first node during a second time interval, said first signals including a first subset of said subset of ~~almost~~ orthogonal code sequences and said second signals including and a second subset of said subset of ~~almost~~ orthogonal code sequences not identical with said first subset, wherein at least one of said first and second subsets from the set of ~~almost~~ orthogonal code sequences includes more than one ~~almost~~ orthogonal code sequence".

5. Claim 142 – Limitation 1, should be "an ~~almost~~ orthogonal code sequence generator, ~~that generates~~ *generating* a subset of ~~almost~~ orthogonal code sequences and an ~~almost~~ orthogonal code sequence, said subset of ~~almost~~ orthogonal code sequences being selected from a plurality of subsets of a set of ~~almost~~ orthogonal code sequences associated with a mobile receiving apparatus"
6. Claim 142 – Limitation 2 should be "and a transmitter ~~for~~ simultaneously transmitting to said mobile receiving apparatus first signals during a first time interval and simultaneously transmitting to said mobile receiving apparatus second signals during a second time interval, said first signals including said ~~almost~~ orthogonal code sequence and a first subset of said subset of ~~almost~~ orthogonal code sequences and said second signals including said ~~almost~~ orthogonal code sequence and a second subset of said subset of ~~almost~~ orthogonal code sequences not identical with said first subset, wherein at least one of said first and second subsets from the set of ~~almost~~ orthogonal code sequences includes more than one ~~almost~~ orthogonal code sequence".

Reasons for Allowance

7. The following is an examiner's statement of reasons for allowance:
8. Note: this application has an effective date of September 27th, 1991. The application is regarding an orthogonal code sequence generator generating a subset of orthogonal code sequences, said subset of orthogonal code sequences being selected from a plurality of subsets of a set of orthogonal code sequences associated with the transmitting apparatus"; and a transmitter simultaneously transmitting first signals to a first node during a first

time interval and simultaneously transmitting second signals to said first node during a second time interval, said first signals including a first subset of said subset of orthogonal code sequences and said second signals including and a second subset of said subset of orthogonal code sequences not identical with said first subset, wherein at least one of said first and second subsets from the set of orthogonal code sequences includes more than one orthogonal code sequence".

9. The closest prior art is by Smith (U.S. 3617717). Smith teaches that orthogonal modulations of process control variables produces modulation of a performance indicating signal. This performance indicating signal is processed to generate a plurality of control signals indicative of direction and magnitude of change of a process control variable toward obtaining optimum performance. Each control signal results from multiplying the performance indicating signal by its respective modulation signal followed by integration and a sample and hold circuit. Primary control signals may be imposed on the process control with the optimumly controlled variables interacting with such primary control through process interactions. Smith fails to teach the aspect of "orthogonal code sequence generator generating a subset of orthogonal code sequences, said subset of orthogonal code sequences being selected from a plurality of subsets of a set of orthogonal code sequences associated with the transmitting apparatus". Additionally, Smith does not teach the aspect of "transmitter simultaneously transmitting first signals to a first node during a first time interval and simultaneously transmitting second signals to said first node during a second time interval…".

Conclusion

10. Any comments considered necessary by Applicant must be submitted no later that the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Evens J. Augustin whose telephone number is (571) 272-6860. The Examiner can normally be reached on Monday-Friday from 10:00 AM-7:00 PM.

12. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Fischer, can be reached at (571) 272-6779.

/EVENS J. AUGUSTIN/
Primary Examiner, Art Unit 3621
December 2, 2009